



made by then-Secretary of State Brian Kemp and the state's provisional ballot-counting procedures, caused Plaintiff constitutional and statutory injury. Defendant maintained that Plaintiff was entitled to no relief and that there was no evidence of any security issues with the state's election systems. On November 12, 2018, this Court entered a Temporary Restraining Order and ordered expedited discovery of certain information related to provisional ballots.

On April 2, 2019, HB 316 (Act 24) was signed into law. This bill amends the state's provisional ballot counting laws in ways that are relevant to this case. Specifically, Section 37 of HB 316, provides: "At the earliest time possible after the casting of a provisional ballot, the election superintendent shall notify the Secretary of State that an elector cast a provisional ballot, whether such ballot was counted, and, if such ballot was not counted, the reason why such ballot was not counted."

Section 38 of HB 316 requires that county officials' determination as to whether a person casting a provisional ballot was eligible to vote

include a review of all available voter registration documentation, including registration information made available by the electors themselves and documentation of modifications or alterations of registration data showing changes to an elector's registration status. Additional sources of information may include, but are not limited to, information from the Department of Driver Services, Department of Family and Children Services, Department of Natural Resources,

public libraries, or any other agency of government including, but not limited to, other county election and registration offices.

This section also adds a requirement that county elections officials notify certain provisional voters whose ballots were not counted “[a]t the earliest time possible after a determination is made regarding a provisional ballot”.

Section 40 of HB 316 extends the counties’ election certification deadline and gives Defendant authority to further extend the deadline to complete a pre-certification audit of the election.

On May 2, 2019, HB 392 (Act 75) was signed into law. This bill provides additional protections for the security of the state’s voter registration system.

Specifically, this bill directs Defendant

[t]o promulgate a regulation that establishes security protocols for voter registration information maintained and developed by the Secretary of State pursuant to Code Section 21-2-211 and 52 U.S.C. Section 21083. The regulation shall be generally consistent with current industry security standards, and in promulgating the regulation, the Secretary of State shall consider those security standards issued by the National Institute of Standards and Technology, the Center for Internet Security, and the federal Election Assistance Commission. The Secretary of State shall, at least annually, certify that the State of Georgia has substantially complied with the requirements of the regulation promulgated pursuant to this Code section[.]”

The Parties agree that the above-cited provisions make further litigation of this matter unnecessary.

Upon entry of the Court order dismissing this case, Plaintiff intends to file a motion for reasonable attorneys' fees and costs pursuant to Northern District of Georgia Civil Local Rule 54 and other applicable legal authorities. Defendants do not concede that Plaintiffs are entitled to fees in this action.

The parties respectfully request that the Court set the briefing schedule on the fees motion as follows:

Plaintiff's Special Motion, Opening Brief, and Itemization: July 15, 2019

Defendant's Opposition: August 5, 2019

Plaintiff's Reply: August 19, 2019

WHEREFORE, the Parties respectfully request the Court dismiss the instant action and set the above schedule for briefing the issues of attorney's fees as sought by Plaintiff.

This 14th day of June, 2019.

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing JOINT STIPULATION OF DISMISSAL was prepared double-spaced in 14-point Times New Roman pursuant to Local Rule 5.1(C).

/s/ F. Skip Sugarman

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### **CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2019, I served the within and foregoing JOINT STIPULATION OF DISMISSAL with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise.

This 14th day of June, 2019.

/s/ F. Skip Sugarman

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